

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Mary L.,

Case No. 23-CV-312 (NEB/ECW)

Plaintiff,

v.

ORDER ACCEPTING REPORT AND
RECOMMENDATION

MARTIN J. O' MALLEY,¹ Acting
Commissioner of the Social Security
Administration,

Defendant.

The Court has received the November 16, 2023 Report and Recommendation of United States Magistrate Judge Elizabeth Cowan Wright. (ECF No. 14.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 14) is ACCEPTED;

¹ Martin J. O'Malley became the Commissioner of Social Security on December 20, 2023. *Press Release*, Social Security Administration, <https://www.ssa.gov/news/press/releases/2023/#12-2023-2> [<https://perma.cc/2FF2-GV8T>]. Under Rule 25, as the successor to former Defendant Kilolo Kijakazi, O'Malley is "automatically substituted as a party." Fed. R. Civ. P. 25(d).

2. Plaintiff's motion for summary judgment (ECF No. 10) is GRANTED in part;
3. Defendant's motion for summary judgment (ECF No. 12) is DENIED; and
4. This case is REMANDED to the Commissioner pursuant to sentence four of 42 U.S.C. Section 405(g), for further administrative proceedings consistent with this Report and Recommendation.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 5, 2024

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge